

Serial No. 09/659,650
Page 9

REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed February 16, 2006. In the Office Action, the Examiner notes that claims 1, 2, 6-14, 18-28, 32 and 33 are pending and rejected.

In view of the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

35 U.S.C. §103 Rejection of Claims 1-2, 13-14, 27-28 and 33

The Examiner has rejected claims 1-2, 13-14, 27-28 and 33 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,363,065 to Thornton et al. (hereinafter "Thornton") in view of U.S. Patent 6,918,034 to Sengodan et al. (hereinafter "Sengodan") and further in view of U.S. Patent 6,717,948 to Subbiah (hereinafter "Subbiah"). Applicants respectfully traverse the rejection.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. However, the Thornton, Sengodan and Subbiah references, alone or in combination, fail to teach or suggest all of the limitations recited in claim 1, and thus fail to teach or suggest Applicants' invention as a whole. Moreover, Applicants object to the combination of at least the Subbiah reference with the Thornton and Sengodan references.

The Examiner is respectfully directed to Applicants' prior arguments and discussions as presented in Applicants' prior Office Action responses.

Further to Applicants' prior arguments and discussions, Thornton fails to disclose or suggest at least the step of "determining whether a destination is serviced by a second VoIP gateway." The Examiner contends that this limitation

Serial No. 09/659,650
Page 10

is met by Thornton at column 13, lines 57-62 and column 14 lines 3-8. This is incorrect.

Thornton at column 13, lines 57-62 states:

"[The] DSP and the microcontroller convert the digitized telephony signal for that call into suitable IP packets and transmit those packets, with appropriate IP addresses, over the LAN for subsequent carriage over the data network to a peer gateway."

Thornton at column 14 lines 3-8 states:

"Each separate called number has an associated IP address, which ultimately is known to both peer gateways ... such that the peered gateways can properly address the IP packets to their unique called destination."

The above-quoted portions of Thornton clearly evidence two critical facts; namely, (1) that a peer to peer communication is envisioned (i.e., that each call is definitely being made from a first gateway to a second gateway, where both gateways have substantially equivalent topologies), and (2) that both gateways have full, *a priori*, knowledge of the IP addresses of other gateways. Thus, since the Thornton arrangement is specifically directed to a peer to peer arrangement (i.e., calls are only made between peered gateways), there is simply no need within the Thornton arrangement to perform the step of "determining whether a destination is serviced by a second VoIP gateway" since only such destinations are used.

Further to Applicants' prior arguments and discussions, and further to the above discussion, the Thornton reference also fails to disclose or suggest the step of "transporting said multiplexed voice traffic to said second VoIP gateway utilizing a plurality of transport packets, responsive to an affirmative determination that said destination is serviced by said second VoIP gateway, wherein" Again, the peer to peer gateway or architecture of Thornton does not require such a determination since all communication is performed through VoIP gateways.

The remaining references do not bridge the substantial gap between the Thornton reference and the claimed invention. Specifically, the Examiner notes

Serial No. 09/659,650

Page 11

that Thornton does not disclose "the particular application involving limitations of transporting said multiplexed voice traffic to said second VOIP gateway utilizing a plurality of transport packets and the structure of real-time transport packet (RTP)." The Examiner contends that Sengodon supplies the missing teaching.

Sengodon discloses a method and apparatus to provide encryption and authentication of a mini-packet in a multiplexed RTP payload. Essentially, mini-packets are added to the RTP payload, which is then padded to ensure that each mini-packet is an integral multiple of a predetermined block size. The disclosed arrangement is utilized within the context of a VoIP system in which each user sharing a single RTP/UDP/IP connection is associated with a respective channel identifier (CID).

The Examiner notes that Thornton and Sengodon do not disclose "a header error check field for identifying errors in the call identifier field and the length indicator field."

Subbiah discloses a knowledge-based connection admission method and apparatus for providing efficient multiplexing of data and speech over AAL2. Specifically, Subbiah is directed to asynchronous transfer mode (ATM) networks and, more particularly, a subset of the ATM communications protocols; namely, the ATM adaptation layer 2 (AAL2) environment which provides a fixed length packet transport protocol used for voice communication. Subbiah leverages various features within the ATM network to enable opportunistic insertion of data traffic into speech traffic to replace padding or silence. This is entirely unlike the claimed invention.

Further to Applicants' prior and above arguments and discussions, Applicants submit that the Examiner is improperly combining several disparate technologies to cobble together a hypothetical technology which allegedly renders the claimed invention obvious. The Subbiah reference is not a VoIP reference. The topology and control methodologies employed within the context of the ATM system are different than those for a VoIP system. The ATM packet structure and methodologies operate within a particular context, and cannot be imputed to or inserted into the VoIP context as described by the Examiner.

439361-1

Serial No. 09/659,650
Page 12

Applicants strongly disagree with the Examiner's assertions and urge the Examiner to reconsider the applicability of at least the Subbiah reference to the claimed invention.

As such, Applicants submit that independent claims 1, 13, 27, and 33 are patentable over Thornton in view of Sengodan and further in view of Subbiah and fully satisfy the requirements of 35 U.S.C. §103. Furthermore, claims 2, 14, and 28 depend directly from independent claims 1, 13, 27, and 33 and recite additional limitations thereof. As such and at least for the same reasons as discussed above, Applicants submit that these dependent claims are also patentable over Thornton in view of Sengodan and further in view of Subbiah and fully satisfy the requirements of 35 U.S.C. §103.

Therefore, Applicants respectfully request that this rejection under 35 U.S.C. §103(a) be withdrawn.

35 U.S.C. §103 Rejection of Claims 6-12, 18-26, and 32

The Examiner has rejected claims 6-12, 18-26, and 32(a) as being unpatentable over U.S. Patent 6,363,065 to Thornton et al. (hereinafter "Thornton") in view of Sengodan et al. and Subbiah and further in view of U.S. Patent 5,600,653 to Chitre et al. (hereinafter "Chitre"). Applicants respectfully traverse the rejection.

Claims 6-12, 18-24, and 32

Claims 6-12, 18-24, and 32 depend, directly or indirectly, from independent claims 1, 13, and 27, and recite additional features thereof. Moreover, for at least the reasons discussed above, the Thornton, Sengodan, and Subbiah references fail to teach or suggest Applicants' invention as a whole as recited in independent claims 1, 13, and 27. Accordingly, any attempted combination of the Thornton, Sengodan and Subbiah references with any additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 6-12, 18-24, and 32 are also

439361-1

Serial No. 09/659,650
Page 13

patentable over Thornton, Sengodan and Subbiah and fully satisfy the requirements of 35 U.S.C. §103.

Therefore, Applicants respectfully request that this rejection under 35 U.S.C. §103(a) be withdrawn.

Claims 25-26

Applicants' independent claim 25 recites similar relevant limitations to those recited in independent claims 1, 13, 27, and 33. As such and at least for the same reasons discussed above with respect to the Examiner's rejection of independent claims 1, 13, 27, and 33, claim 25 is patentable over Thornton, Sengodan and Subbiah and fully satisfies the requirements of 35 U.S.C. §103(a).

Furthermore, the Chitre reference fails to bridge the substantial gap between the Thornton, Sengodan and Subbiah references and Applicants' claimed invention.

The Chitre reference discloses a technique for improving ATM operation over a communications link having burst the bit errors. Applicants again disagree with the Examiner's combining of ATM structure and VoIP structure to cobble together a hypothetical structure which allegedly renders the claimed invention obvious.

As such, Applicants submit that independent claim 25 is patentable over Thornton in view of Sengodan and Subbiah and further in view of Chitre and fully satisfies the requirements of 35 U.S.C. §103. Furthermore, claim 26 depends directly from independent claim 25 and recites additional limitations thereof. As such and at least for the same reasons as discussed above, Applicants submit that claim 26 is also patentable over Thornton in view of Sengodan and Subbiah and further in view of Chitre and fully satisfies the requirements of 35 U.S.C. §103.

Therefore, Applicants respectfully request that this rejection under 35 U.S.C. §103(a) be withdrawn.

CONCLUSION


Serial No. 09/659,650
Page 14

Thus, Applicants submit that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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